

The Commonwealth of Massachusetts

Office of Campaign & Political Finance

One Ashburton Place, Boston 02108

727-8352

Dennis J. Duffin
Director

AO-86-21

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September 24, 1986

Ms. Melissa Langa
Treasurer
Boston NOW PAC
971 Commonwealth Avenue
Boston, MA 02215

Dear Ms. Langa:

This is in response to your recent request for an advisory opinion under M.G.L. c. 55, the Campaign Finance Law.

You state that Boston NOW, Inc. is a non-profit educational corporation organized pursuant to M.G.L. c. 180. Boston NOW Inc. sells advertisements in its newsletter to businesses and corporations. This earned income partially finances the publication costs. You wish to know whether Boston NOW, Inc. may give contributions, both monetary and in-kind to Boston NOW PAC.

The campaign finance law prohibits business corporations from giving, paying, expending or contributing any money or other valuable thing directly or indirectly, for the purpose of aiding, promoting or preventing the nomination or election of any person to public office. As we stated in OCPF - Interpretive Bulletin-104, March 3, 1986, amended June 9, 1986, "Therefore, business corporations cannot use contributions to an organization which, though not a political committee does make incidental expenditures for campaign finance purposes, as a means of making indirect corporate contributions to candidate and multi-candidate committees." In Opinion of the Attorney General, November 6, 1980, the Attorney General articulated this same reasoning when he stated, "If a corporation cannot directly provide facilities to a candidate or committee by virtue of the statute, it may not do so indirectly through the associations to which it belongs." See Footnote 10.

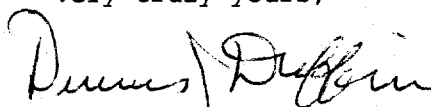
The use of corporate advertising to financially support the publication you describe results in the corporation paying money to Boston NOW, Inc. Section 8 of Chapter 55 prohibits business corporations from making any payments to a candidate or multi-candidate committee, either directly or indirectly. Therefore, Boston NOW, Inc. may not utilize the account which receives these corporate monies to make contributions to Boston NOW PAC. It is my opinion, however, that if the general treasury of Boston NOW, Inc. is void of corporate monies it could make contributions, in an incidental manner, to candidates and multi-candidate committees. (See Interpretive Bulletin 104, a copy of which I have enclosed). This would require that the accounts relative to the newsletter, and all related activities and expenses, or any other source

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of corporate monies, are maintained in a manner completely separate and distinct from the general treasury accounts and activities of the non-profit corporation.

Please feel free to contact me if you have any further questions.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Dennis J. Duffin". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Dennis J. Duffin
Director

DJD/rep

enclosure